

GOVERNMENT OF TELANGANA
ABSTRACT

Public Servants – PR&RD Department – Allegations of demand and acceptance of the bribe amount from the complainant for doing official favour i.e. to process and release the bill amount and EMD amount in respect of up-gradation of road work from NH-7 to Nagpur via Baswapur in Nizamabad District – Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) -- Disciplinary proceedings under Rule 20 of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991 read with rule 9 of Telangana Revised Pension Rules, 1980 - Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 229

Dated: 08-05-2019

Read :

G.O.Ms.No.33 , PR&RD (Vig.I) Department, dt:08.05.2019.

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ORDER:

In pursuance of the sanction accorded in the reference read above, under sub clause (i) of clause (b) of sub-rule (2) of Rule 9 of Telangana Revised Pension Rules, 1980 for instituting departmental proceedings against Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired), it is proposed to hold an enquiry against Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired), in accordance with the procedure laid down in Rule 20 of the Telangana Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II&III).

3. Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) is further informed that if he does not submit his written statement of defence on or before the Period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him exparte.

6. Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) is invited to Rule 24 of the Telangana Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal, Nizamabad District (now retired) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Telangana Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)**

To

Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PRI SD Bheemgal,
Nizamabad District (now retired) through the Engineer-in-Chief, PR, Hyderabad.
The Engineer-in-Chief, PR, Hyderabad.

(in duplicate with a request to serve and return the dated acknowledgement copy)

Copy to:

The Director General, Anti-Corruption Bureau, Hyderabad

The Secretary to VC, TVC, Hyderabad.

SF/SC

//FORWARDED BY :: ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No.229 , PR&RD (Vig.I) Deptt., dt.08.05.2019)

STATEMENT OF ARTICLE OF CHARGES PROPOSED TO BE SUSTAINED AGAINST SRI VEMULA MADAN MOHAN, THE THEN DEPUTY EXECUTIVE ENGINEER, PRI SD BHEEMGAL, NIZAMABAD DISTRICT (NOW RETIRED)

That Sri Vemula Madhan Mohan, Dy.Executive Engineer, Panchayath Department, Bheemgal Sub-division, Nizamabad District R/o H.No.11-1-1823 Maruthinagar, Nizamabad has joined Government Service as Work Inspector, Panchayath Department, Armoor on 1-2-1979. He was promoted as Dy.Executive Engineer on 16.12.2009 and worked at Bheemgal Sub-division, Panchayatraj Department from 16-12-2009 to 23-9-2014 as Dy.E.E. While functioning as Government Servant he was trapped and caught red handed when he demanded and accepted the bribe amount of Rs.1,00,000/- from Sri Sama Mahipal, Contractor for doing official favour i.e to process and release the bill amount and EMD amount of Rs.1,60,000/- in respect of up-gradation of road work from NH-7 to Nagapur via Baswapur in Nizamabad district under NREGS scheme executed by the complainant.

Their allegation is not mentioned in FR sent to Government and Government also not recommended their allegation against Government servant.

Thus, Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PR (now retired) by his above mentioned acts has exhibited lack of integrity, devotion of duty and conduct unbecoming of a Government Servant and thereby committed an offence and also violation of Rule 3(1)(2)(3) of Telangana Civil Services (Conduct) Rules, 1964.

Hence the charge.

VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)

SECTION OFFICER

ANNEXURE -II

(Annexure to G.O.Rt.No.229 , PR&RD (Vig.I) Dept., dt.08.05.2019)

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI VEMULA MADAN MOHAN, THE THEN DEPUTY EXECUTIVE ENGINEER, PRI SD BHEEMGAL, NIZAMABAD DISTRICT (NOW RETIRED)

That Sri Vemula Madhan Mohan S/o Gangaram. His date of birth is 8.12.1958. He has joined Government Service as Work Inspector, Panchayath Raj Department on 1-02-1979. He was promoted as Dy.Executive Engineer on 16-12-2009 and worked at Bheemgal as Dy.EE from 16.12.2009 to 23.9.2014. His date of attaining superannuation is 31.12.2016. (He is here in after referred to as Government Servant)

That on a specific complaint from Sri Sama Mahipal, S/o Rajanna, age:51 yrs Occ: Contractor R/o Velpoor (V&M) Nizamabad district that the C.O have been demanding Rs.1,00,000/- to process and release the bill amount and EMD amount of Rs.1,60,000/- in respect of up-gradation of road work from NH-7 to Nagapur via Baswapur in Nizamabad district under NREGS scheme done by the complainant a case in 19/RCT-ACB-NZB/2014, U/s 7 of P.C Act of 1988 was registered on 23.9.2014 at 09.15 hours and took up investigation.

The brief facts of the complaint is that M/s Manikanta Constructions Nizamabad has got constructions work from Panchayath Raj Department on 23.10.2013 for up-gradation of road work from NH-7 Nagpur Road via Baswapoor under NREGS vide proceedings No.T2/AE/up-gradation /Baswapoor/2013, Dated 23.10.2013 to this effect an agreement was also executed between M/s Manikanta Constructions and S.E P.R Circle, Nizamabad on 23.10.2013, with regards to the terms and conditions and period of work etc., on non-judicial stamp paper and work was entrusted to M/s Manikanta Construction Nizamabad through 'E' procurement tender notice No.158/13-14, dated.10.4.2013.

The complainant Sri Sama Mahipal further stated that, he has done several construction works of Panchayat Raj Department in Nizamabad District. Sri Surendhar Rao is the Managing Partner of M/s Manikanta constructions and he is his friend. Previously he has handed over two works allotted to him and the same works were completed by him. Keeping in view of previous works this work also entrusted to him by Sri Surendhar Rao, Managing Partner of M/s Manikanta constructions as he was busy with other contract works. Accordingly he has completed that works, as there was understanding between Surendar Rao and complainant and during this work he himself looked after the work process such as approaching the officer, getting the M.Book recorded and other works pertaining to Panchayat Raj Department in consultation of Sri Surendar Rao when ever his presence was required. He further stated that after completing the work when the work file was sent to C.O., the C.O called him to his office and demanded Rs.2,00,000/-(Rupees Two Lakhs) as bribe to forward the file to the superiors without going any modification. On that he told the C.O that there was no margin in the said work and pleaded to reduce the bribe amount, on which the C.O reduced the bribe amount to Rs.1,00,000/- and asked him to give the bribe amount soon after getting the cheque passed and threatened that if failed to give the demanded bribe amount he will stop the bills of further works and also stop sanctioning the EMD amount of Rs.1,60,000/- pertaining to this work and EMD amount of future works and then the C.O has approved the M.B record and forwarded to Executive Engineer.

On 21-9-2014 the C.O phoned to him and instructed him to meet urgently. Accordingly on 22-9-2014 he went to Bheemgal Office and met the C.O. The C.O asked him whether the cheque has passed or not. He told that the cheque is not yet passed. Then the C.O informed him that he has forwarded the file long back and told that he has to go to America urgently and he need money and demanded to give the bribe amount only after passing the bill amount, but the C.O did not agree and threatened him that he would stop the bill, EMD amount of this work and future works and demanded to give the bribe amount tomorrow i.e., 23-9-2014 at any cost. In unavoidable circumstances he reluctantly agreed to give the bribe amount to the C.O presuming that the C.O may cause obstructions in future contract works. Then the C.O asked him to give the bribe amount on 23-9-2014 morning at his home at Nizamabad. On 22-9-2014 morning again the C.O reminded about the bribe amount to be given to him.

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The complainant was unwilling to give the bribe amount of Rs.100,000/- to the C.O., he requested to take necessary legal action against C.O for demanding the bribe amount to process the file of work done by him for sanctioning of bill and not to make any query in future works and to release the E.M.D amount of Rs.1,60,000/-.

On 23-9-2014 at 11:00 hours a trap was laid against C.O and trapped the C.O at his residential house bearing No.11-1-1823 situated at Maruthi nagar Nizamabad in the presence of two official Mediators and the C.O was caught red handed when he demanded and accepted the bribe (illegal gratification other than legal remuneration) amount of Rs.1,00,000/- from the complainant Sri Sama Mahipal.

Chemical test was conducted on the both hand fingers of the C.O and it yielded positive result. The tainted bribe amount of Rs.1,00,000/-(Rupees one lakh) which was kept in the computer table right side upper drawer of C.O was recovered and the chemical test was conducted on the surface of the white paper which came in contact with tainted bribe amount in the computer table upper drawer also yielded positive result. The tainted bribe amount of Rs.1,00,000/- was seized and the white paper which came in contact with tainted bribe amount was also seized in the presence of Mediators for further investigation duly attested by the Mediators and the DSP ACB Nizamabad.

The three resultant solutions got transferred into three small glass bottles labeled and seized them along with sample of Sodium Carbonate Powder used for Chemical test duly attested by the Mediators and DSP ACB for further investigation.

The official favour documents i.e file pertaining to work of up gradation of roads from NH-7 to Nagapur via Bawapur in Nizamabad district sanctioned under NREGS to M/s Manikanta Constructions, Nizamabad done by the complainant containing 97 sheet were seized duly attested by the Mediators and the DSP ACB for the purpose of investigation.

The DSP, ACB drafted the rough sketch of the scene of offence i.e House No.11-1-1823 of the C.O situated at Maruthinagar, Nizamabad indicating the sitting position of the C.O and vantage positions taken by the ACB trap party. The same was attested by the Mediators and the DSP, ACB, Nizamabad.

The C.O was arrested on 23-9-2014 at 1350 hours and produced him before the Hon'ble First Addl.Spl.Judge for SPE & ACB Cases, City Civil court, Hyderabad on 24-9-2014 at 1400 hours and lodged in Central Prison, Cherlapally at 1810 hours for judicial custody.

During the course of investigation it also come to notice that the C.O has not submitted his Annual Property Returns(APRs) to the Controlling Officer from the date of his appointment to till the date of trap.

Call details of the cell phone No 9440898976 of the C.O was obtained from the BSNL service provider. As per the call details, it is established that the C.O has made phone calls from his cell phone No.9440898976 to the complainant cell phone No.9701368707 (Airtel) from 23.8.2014 to 23.9.2014.

Sl.No	Mobile No of A.O	Service Provider	Mobile No.of complt.	Service Provider	Date & Time	Call Type
1	9440898976	Cell one	9701368707	Airtel	20.9.2014 at 16.13.49 hrs	Out-going call
2	9440898976	Cell one	9701368707	Airtel	21.9.2014 at 16.25.59 hrs	In-coming call
3	9440898976	Cell one	9701368707	Airtel	22.9.2014 at 14.16.03 hrs	In-coming call

The oral and documentary evidence available on record is sufficient to substantiate the allegation of demand and acceptance of bribe amount Rs.1,00,000/- by G.S from the complainant for doing an official favour i.e "to process and release the bill amount and EMD amount of Rs.1,60,000/- in respect of up-gradation of road work from NH-7 to Nagapur via Baswapur in Nizamabad district under NREGS scheme done by the complainant. Gave misconduct by demanding and accepting an amount of Rs.1,00,000/- as bribe from the complainant to process the file and contravened Rule 3(1) (2)(3) of Telangana Civil Service (Conduct) Rules 1964.

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Thus the Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PR (now retired) by his above mentioned acts has exhibited lack of integrity devotion to duty conduct unbecoming of Government Servant and thereby contravened Rule 3(1)(2)(3) of Telangana Civil Service (Conduct) Rules, 1964.

Thus the Sri Vemula Madan Mohan, the then Deputy Executive Engineer, PR (now retired) (C.O) has therefore rendered himself liable for regular Departmental Action for Major Penalty.

VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)

SECTION OFFICER

ANNEXURE – III

(Annexure to G.O.Rt.No.229 , PR&RD (Vig.I) Dept., dt.08.05.2019)

LIST OF THE WITNESSES BY WHOM THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI VEMULA MADAN MOHAN, THE THEN DEPUTY EXECUTIVE ENGINEER, PRI SD BHEEMGAL, NIZAMABAD DISTRICT (NOW RETIRED)

1	Sri Sama Mahipal, S/o Rajanna, age:51 yrs occu: Contractor, R/o Velpoor(V&M), Nizamabad dist.	Complainant
2	Sri MD Shafiq, S/o Mohd. Hussain, age:30 yrs Occ:Driver of the complainant R/o H.No.1-6 Akloor village, Velpoor Mandal, Nizamabad Dist.	Scribe of complaint
3	Sri Peddola Saineneni Surendhar Rao, S/o Kishan Rao, age: 47 yrs occ: Contractor, M/s Manikanta Constructions, R/o H.No.11-1-1812 Maruthinagar, Nizamabad.	Contractor, Managing Partner of M/s Manikanta Constructions
4	Sri Neeradi Prince, S/o Anantha Rao, age 27 yrs, Occ:Jr. Asst O/o Dy.EE, PR Bheemgal Sub-Division, R/o H.No.2-7, govindapur(V), Armoor(M), Nizamabad Dist.	Witness, present in the house of C.O on the day of trap.
5	Sri Srinivasa Chary, S/o Harish Chandra, Occ:Sr.Asst., O/o EE(PRI) Nizamabad.	Produced the file No.038718 IGP CR0004
6	Sri Sirikonda Rajendera Prasad, S/o Venkat Narsaiah, aged 53 yrs, Occ: EE(PRI) Division, Nizamabad R/o H.No.11-1-1820, Maruthinagar, Nizamabad.	He received the file No 038 718 IGP CR0004 and instructed the Sr. Asst. to produce before the ACB officials.
7	Sri Daram Shankaraiah, S/o Mallaiah, age:56 yrs Occ: Superintending Engineer(PRI) R/o H.No.11-1-1792, Maruthi Nagar, Nizamabad.	Furnished service particulars and C.O vide Lr.No.A1/699/2014, dated.29-9-2014.
8	Sri Ramesh Naidu Panuganti S/o Venkaiah aged 32 yrs, Occ: Lecturer in chemistry, Government Polytechnic Kotagiri, Nizamabad R/o G-7, Vaishnavi Towers, HB colony, Armoor village and Mandal, Nizamabad district.	Mediator.
9	Sri Mohammed Mazharuddin, S/o M.Khursheed Ahmed, Occ.Blue Print operator, O/o Executive Engineer, (PH) division, Nizamabad R/o H.No.5-11-288/3, Yellammagutta Nizamabad.	Mediator.
10	Sri N. Sanjeev Rao, Deputy Superintendent of Police, ACB, Nizamabad Range.	Trap Laying officer
11	Sri R.Raghunath, Inspector of police, ACB, Nizamabad Range, Nizamabad.	I.O
12	Sri R.Shiva Kumar, Inspector of Police, ACB Nizamabad Range, Nizamabad.	I.O

VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)

SECTION OFFICER

ANNEXURE – IV

(Annexure to G.O.Rt.No.229, PR&RD (Vig.I) Dept., dt.08.05.2019)

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI VEMULA MADAN MOHAN, THE THEN DEPUTY EXECUTIVE ENGINEER, PRI SD BHEEMGAL, NIZAMABAD DISTRICT (NOW RETIRED)

1. Service particulars furnished by Superintending Engineer P.R Circle, Nizamabad vide No.A1-699/2014, dt.29-9-2014.
2. File No.038 718 IGP CR0004- This file is having 1 to 97 sheets pertaining to upgradation of work of road from NH-7 to Nagpur road via Baswapur in Nizamabad district under NREGS entrusted to M/s Manikanta Constructions Nizamabad.
3. Call data Record:- call details of the cell phone No 9440898976 of the AO was obtained from the BSNL service provider.
4. FIR dated: 23-9-2014.
5. Mediators report –I, dated:23-9-2014.
6. Mediators Report-II, dated:23-9-2014.
7. 161 Cr.P.C Statement of the complainant.
8. 161 Cr.P.C statement of Sri MD Shafiq, S/o Mohd. Hussain, who scribed the complaint.
9. 161 Cr.P.C statement of Sri Peddola Saineni Surendhar Rao, S/o Kishan Rao, age:47 yrs Occ: Contractor, M/s Manikanta Constructions R/o H.No.11-1-1812 Maruthinagar, Nizamabad.
10. 161 Cr.P.C Statement of Neeradi Prince, S/o Anantha Rao, aged 27 yrs, Occ.Jr.Asst.O/o Dy.EE, PR, Bheemgal Sub-division, R/o H.No.2-7 Govindapur(V), Armoor(M), Nizamabad Dist.

VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT(PR&RD)

SECTION OFFICER